

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**ARNOLD WALTER NURSING AND
REHABILITATION CENTER**

and

**Cases 22-CA-180557
22-CA-186982**

**1199 SERVICE EMPLOYEES
INTERNATIONAL UNION, UNITED
HEALTHCARE WORKERS EAST**

ORDER¹

Petitioner Arnold Walter Nursing and Rehabilitation Center's Petition to Revoke subpoena duces tecum B-1-1ASV8JJ is denied. The subpoena seeks information relevant to the matters under investigation and describes with sufficient particularity the evidence sought, as required by Section 11(1) of the Act and Section 102.31(b) of the Board's Rules and Regulations. Further, the Petitioner has failed to establish any other legal basis for revoking the subpoena. See generally *NLRB v. North Bay Plumbing, Inc.*, 102 F.3d 1005 (9th Cir. 1996); *NLRB v. Carolina Food Processors, Inc.*, 81 F.3d 507 (4th Cir. 1996).²

¹ The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

² With respect to the Petitioner's stated concerns about confidentiality, attorney-client privilege, and attorney work product, we find that it has failed to explain why the procedure set forth in paragraph "m" of the subpoena's Definitions and Instructions is not sufficient to address its concerns. To the extent the subpoena encompasses documents that the Petitioner believes in good faith to be protected from disclosure, the Petitioner may submit a privilege log providing sufficient detail to permit an assessment of its claims. In addition, if its concerns can be substantiated, it may seek a confidentiality agreement with the General Counsel. The Petitioner is directed to produce all responsive documents in its possession not subject to any good faith claim of privilege or protection.

Dated, Washington, D.C., December 15, 2020

JOHN F. RING,	CHAIRMAN
MARVIN E. KAPLAN,	MEMBER
WILLIAM J. EMANUEL,	MEMBER

We reject the Petitioner's claim that the subpoena should be revoked because it contained a return date within five business days from the date of service. Upon receipt of the petition to revoke, the General Counsel notified the Petitioner that the subpoena's initial return date was a typographical error and that it intended a later return date. The Petitioner did not respond to that notification. In any event, the Petitioner has alleged no prejudice from the initial return date; it was able to timely file a petition to revoke within the five-day period provided in the Act and the Board's Rules. In these circumstances, the Petitioner has failed to demonstrate that the time period for compliance is unreasonable.